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Director of Data Processing and Accounts

General Counsel

Rosedale-Bolivar County Port Commission
d/b/a Great River Railroad
Employer Status

This is in reply to your G-215 memorandum dated March 29, 1982, requesting my opinion in regard to the employer status of the Rosedale-Bolivar County Port Commission, d/b/a Great River Railroad (GRR). This railroad has not previously been an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

In a letter dated March 18, 1982, Mr. David Work, Port Director of the Rosedale-Bolivar County Port Commission (Port Commission) stated that the GRR was purchased from the Illinois Central Gulf Railroad Company (ICG) on December 28, 1981; that the Interstate Commerce Commission authority to operate, attached to his letter, was effective January 1, 1982, as set forth in Finance Docket No. 29816, dated January 19, 1982; and that the GRR operates on 32.45 miles of track having nine stations and extending from milepost 145.3, near Greenville, Mississippi Airport Switch, where it connects with the ICG, to Rosedale, Mississippi, where it terminates. He further advised that the GRR has no employees, all of its operations having been performed by contract between the Port Commission and an outside railroad company. Mr. Work also advised that the GRR plans to hire a part-time locomotive engineer and others for maintenance operations.

From subsequent telephone conversations between Mr. Work and Mr. Stanley Jay Shuman of my staff, it has been determined that the "outside railroad company" was Kelly Railroad Contractors, Inc. of St. Louis, Missouri. Kelly has not been held to be an employer under the Acts administered by the Board. Rather, Kelly builds and refurbishes railroad track and equipment. It was in connection with the testing of the GRR's locomotive that Kelly, along with Port Commission personnel, began the first movement of freight for the GRR on January 8, 1982. Thereafter, the GRR was

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operated exclusively by Port Commission personnel. Mr. Work advised that he has segregated the hours of railroad and nonrailroad work for the particular employees involved and that the GRR would report the appropriate hours of railroad work for such employees in accordance with established Board procedure.

In view of the foregoing, it is my opinion that as of January 8, 1982, the Great River Railroad became an employer under the Acts administered by the Board.

An appropriate Form G-341 giving effect to this conclusion is attached.

Dale G. Zimmerman

Attachment

cc: Board Member Oliver

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